

II. REMARKS

The Examiner is requested to reconsider the Application.

As to the contentions that there is no support in the specification and priority lineage for the claims, the enclosed patents show that there is support for every claim requirement in both the specification and from Applicant's patents that predate Harrington. As the Examiner and the Board can easily see, it is all there in both Applicant's filings years before the Harrington patent filing date.

The Examiner objects to claims 1-27 in the Final Office Action at page 4, line 8, and also at page 5, line 9, as follows:

"...the instant application may be read as disclosing an electronic process for selling fixed income instruments, but this does not take place in an electronic bidder system. The specification does not describe a bidding or auctioning process. The instant application does not disclose inputting data associated with at least one price a buyer is willing to pay for at least one fixed income instrument into a buyer's computer via input means. (The Applicant refers to page 29, lines 3-12, and page 30, lines 4-8, as supporting this limitation, but these parts of the specification teach computing a price that it is expected that buyers will be willing to pay.... while the language of the specification...refers to presenting data, the data is not "said price," nor from the buyer's computer; instead, the data is financial analysis output data sent to at least one buyer's computer.)"

In response, Applicant's Specification does disclose an auctioning process, because it discloses a multiple computer system with multiple bidders (patent 5,802,501, col. 10, line 33), it discloses buyers and sellers, and it discloses pricing software that can be used on each computer in the system. Although the Examiner objects that "parts of the specification teach computing a price that it is expected that buyers will be willing to pay," the Specification discloses that the computed price is sent to a seller's computer (patent 5,802,501, Figure 6), and the Specification discloses that the price is used by the seller in determining a market-based price (patent 5,802,501, col. 29, line 67). The Specification also discloses that the Examiner's cited "price that it is expected that buyers will be willing to pay" is used in connection with financial transactions (patent 5,802,501, col. 21, lines 12-13).

Thus, if the Examiner's contention were credible, the Specification would have to be interpreted as teaching an automated system implementing the following absurd sequence of events: a buyer's computer computes a market-based price (i.e., a bid) that the buyer is NOT willing to pay, but that SOME buyer is willing to pay, and communicates that price to a seller's computer. The seller's computer uses that price in connection with a transaction that is consummated with some OTHER buyer than the first buyer, because the transaction is based on the bid that does not represent a price that the first buyer is willing to pay. On the other hand, the first buyer is successful in consummating a transaction with the seller, since otherwise the first buyer would be an unsuccessful bidder rather than a BUYER. Accordingly, the seller must somehow determine an acceptable price that the first buyer is willing to pay without ever receiving any indication from the first buyer of what that acceptable price might be.

The Examiner's interpretation of the disclosure in the Specification is not reasonable and contrary to the teachings therein. The only reasonable interpretation is that the market-based price communicated by the buyer's computer to the seller's computer is a price that the buyer is willing to pay. It follows that all limitations of the claims are disclosed in the Specification, and furthermore that all claims have priority deriving from U.S. patent 5,802,501, filed in January 1994.

The Examiner did not respond to Applicant's prior remarks made responsive to the first rejection, and more to the point, the Examiner has not met his statutory burden of proof for withholding a patent.

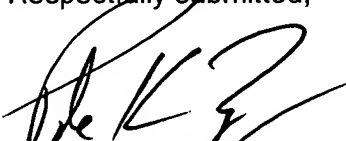
III. **Conclusion**

This Amendment and Response is believed to respond to and/or satisfy all rejections or objections in the Office Action. Thus, the application, as amended, is believed to be in condition for allowance or appeal, more so for declaration of an Interference, and favorable action is requested. It is believed that no new matter has been added.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235. Please direct all correspondence to the undersigned at the address given below.

If the prosecution of this case can be advanced in any way by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,



Peter K. Trzynka
(Reg. No. 32,601)

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P.O. Box 7131
Chicago, Illinois 60680-7131
(312) 240-0824